

Message Text

CONFIDENTIAL

PAGE 01 BERLIN 00875 060801Z
ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SCS-06 CA-01 HA-05 H-01 PM-05
SP-02 SS-15 CIAE-00 INR-10 NSAE-00 SSO-00 INRE-00
NSCE-00 CPR-01 /062 W
-----060070 060809Z /17
O 060754Z FEB 77
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC IMMEDIATE 6663

C O N F I D E N T I A L BERLIN 00875

E.O. 11652: GDS
TAGS: PFOR, CGEN, GE, US
SUBJECT: US-GDR CONSULAR CONVENTION

REF: A. STATE 21821, B. BERLIN 770, C. BERLIN 224.

1. I APPRECIATE THE VERY HELPFUL GUIDANCE ON U.S. POSITION ON GERMAN NATIONALITY, REF A, WHICH I USED IN JANUARY 31 MEETING WITH AMBASSADOR KLOBES (REF B). THE JUSTIFICATION FOR OUR POSITION ON GERMAN NATIONALITY IN THIS GUIDANCE SEEMS TO BE BASED ESSENTIALLY ON FACT THAT THE DEFINITION OF GERMAN NATIONALITY IS AN UNRESOLVED WORLD WAR II ISSUE; SINCE THE USG HAS RETAINED RIGHTS AND RESPONSIBILITIES FOR GERMANY AS A WHOLE WE MUST MAINTAIN OUR LONG-STANDING RESERVATION ON GERMAN NATIONALITY.

2. BOTH DEPUTY FOREIGN MINISTER MOLDT AND KLOBES HAVE HAVE STRESSED THE BILATERAL CHARACTER OF THE CONSULAR CONVENTION AND PROFESS NOT TO UNDERSTAND WHY THE LANGUAGE IN THE SEPARATE EXCHANGE OF LETTERS REFERS TO A THIRD PARTY. THEY HAVE TROUBLE WITH OUR SENTENCE ON THE CONVENTION NOT HAVING ANY BINDING EFFECT ON THIRD STATES. THIS SENTENCE IN THEIR VIEW DIRECTLY LINKS THE U.S. POSITION TO ARTICLE 116 OF THE FRG CONSTITUTION. THIS FOR
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THEM IS UNACCEPTABLE.

3. IT OCCURS TO ME THAT OUR NEGOTIATING POSITION MIGHT BE STRONGER IF THE DEPARTMENT COULD PROVIDE SOME TALKING POINTS TO SUPPORT THE INCLUSION OF A REFERENCE TO A THIRD STATE IN OUR DRAFT LETTER. IN MAKING THIS SUGGESTION, I

WANT TO MAKE CLEAR THAT THE GDR WILL HAVE TROUBLE
WITH ANY REFERENCE TO GERMAN NATIONALITY, ALTHOUGH KLOBES
DID FINALLY ADMIT (REF B) THAT THE GDR DID NOT HAVE IN
MIND A PIECEMEAL SOLUTION TO THIS PROBLEM VIA A CONSULAR
CONVENTION. BOLEN

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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